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Counsel for Bank Julius Baer & Co. Ltd.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION	:	Adv. Pro. No. 08-1789 (SMB)
CORPORATION,	:	
	:	SIPA LIQUIDATION
Plaintiff-Applicant,	:	(Substantively Consolidated)
	:	
v.	:	
	:	
BERNARD L. MADOFF INVESTMENT	:	
SECURITIES LLC,	:	
	:	
Defendant.	:	
-----X		
In re:	:	
	:	
BERNARD L. MADOFF,	:	
	:	
Debtor.	:	
-----X		
IRVING H. PICARD, Trustee for the Liquidation	:	Adv. Pro. No. 11-2922 (SMB)
of Bernard L. Madoff Investment Securities LLC,	:	
and Bernard L. Madoff,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
BANK JULIUS BAER & CO. LTD.,	:	
	:	
Defendant.	:	
-----X		

**APPELLEE BANK JULIUS BAER & CO. LTD.'S COUNTER-DESIGNATION OF
ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Bank Julius Baer & Co. Ltd.. (“BJB”), by and through its undersigned counsel, respectfully submits the following counter-designation of additional items to be included in the record on appeal in response to the Trustee’s Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal, dated March 28, 2017 [Dkt. No. 95], submitted by Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, et seq., and Bernard L. Madoff, individually. BJB reserves its right to designate additional items for inclusion in the record.

Item No.	Date	ECF No. (11-02922)	ECF No. (08-01789)	Docket Text
1	4/4/17	97	n/a	Certification of Direct Appeal to Court of Appeals (related document(s)93) filed by Catherine Elizabeth Woltering on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Woltering, Catherine) (Entered: 04/04/2017)
2	4/8/16	n/a	13070	<i>Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehans Letter dated April 7, 2016</i>

				(related document(s)13051) Filed by Franklin B. Velie on behalf of Bank Austria Worldwide Fund Management Ltd.. (Velie, Franklin) (Entered: 04/08/2016)
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Dated: New York, New York
April 11, 2017

Respectfully submitted,

MCKOOL SMITH, P.C.

By: /s/ Virginia Weber
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